

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

PATRICK ROTH,

Plaintiff,

Case No. civ-19-903-G

v.

Hon. Charles B. Goodwin

JOHN RICKETTS (BADGE #1126);
and OKLAHOMA CITY, a political
subdivision of the State of Oklahoma,

Defendants,

_____ /

**PLAINTIFF’S RESPONSE TO DEFENDANT OKLAHOMA CITY’S
MOTION TO DISMISS**

NOW COMES Plaintiff, Patrick Roth, by and through counsel, Solomon M. Radner and Excolo Law, PLLC, and responds to Defendant’s Motion to Dismiss as follows:

1. Defendant City requests that claims against Defendant Ricketts in his official capacity be dismissed. Plaintiff agrees with the applicable law and does not oppose Defendant’s request. Defendant Ricketts remains a Defendant in his individual capacity.

2. Defendant City requests any claims of punitive damages against the City be dismissed. Plaintiff agrees with the applicable law and does not oppose Defendant's request. Claims for punitive damages remain against Defendant Ricketts.

Plaintiff does not object to the propositions as outlined in Defendant's motion.

Respectfully Submitted,

EXCOLO LAW, PLLC

/s/ Solomon M. Radner

Solomon M. Radner (*pro hac vice*)

MI Bar No. P73653

Attorney for Plaintiff

26700 Lahser Road, Suite 401

Southfield, MI 48033

(866) 939-2656

sradner@excololaw.com

Dated: January 16, 2020

CERTIFICATE OF SERVICE

I hereby affirm that on January 16, 2020, I caused the foregoing document to be filed electronically with the United States District Court and that a copy of said document was served on all counsel of record through the Court's CM/ECF electronic filing system.

/s/ Solomon M. Radner